

TOWN OF ADAMS, MASSACHUSETTS
ADAMS TOWN HALL BUILDING, 1st FLOOR, ADAMS, MA 01220

BOARD OF SELECTMEN MEETING MINUTES 01/31/2018

CALL TO ORDER: The meeting was called to order by Chairman Duval at 6:00 p.m. Members Blanchard, Hoyt and Nowak were present as well Interim Town Administrator Cesan.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF MINUTES: *January 17, 2018* Meeting Minutes were presented for approval. Motion made by Member Hoyt to waive reading and approve the minutes of *January 17, 2018* as submitted, second by Member Blanchard. Vote: unanimous.

PUBLIC COMMENT: *Police Chief Tarsa* updated the Board and the public regarding a motor vehicle stop involving Aaron Chappell.

Update on ACRSD Superintendent Search: *Dr. Robert Putnam, Superintendent* gave an update on the Adams-Cheshire Regional School District Superintendent Search. One Adams Board of Selectmen Member and an Adams representative were requested to be part of the Search Committee. Interviews will be conducted and recommendations will be made to the School Committee. Criteria for the next Superintendent were outlined. The School Committee meeting was directed to prepare a MSBA proposal for a statement of interest for building projects. There is an accelerated repair program and a core program but the School Committee will be preparing for building an elementary school on the Hoosac Valley campus. The MSBA process was reviewed briefly. It was clarified that submitting request just gets the submission in line, and public support from communities and a Town Meeting vote is needed for it to move forward. The budget schedule is being prepared and a request was made to meet with the Board of Selectmen and Finance Committee on February 28th. He noted there would be no increase in health insurance. A survey is in place for families of students in the School District regarding the reorganization that took place. Parents of students are encouraged to take the survey through a link on the website. Analysis of the survey will begin on Monday. Members asked if there is a paper survey for families that do not have access to computers. Individuals may make a request to the school and a paper copy will be provided. The survey is open to the public, as there are no security measures on it. Parents who moved their children out of the district are not part of the survey. The survey questions were read to the Board. A School Choice questionnaire will be available at the end of March.

Zoning Board of Appeals Interviews – Applicant *Jon Frederick* gave his background and why he wanted to be a member of the ZBA. He advised he had not much zoning background and gave his professional credentials. He noted he will learn the rules and zoning bylaws. He addressed a statement made on his application and outlined his opinions. He indicated he understood that this position is responsible for the town and he could be held personally responsible for decisions made. He stated a desire to find out why things aren't getting done the way he wants them done, and whether the fault is the Town Administrator, Building Commissioner or Zoning Board. He noted that there is a general perception of what happens in Town Government when decisions aren't made. He was asked what he would do to take the Town out of the perceived mess. He explained that in his perception there was a lack of communication between the Zoning Board of Appeals, the Building Commissioner, and the Board of Health. He noted he was willing to attend seminars and training. He expressed criticism of the Town regarding Hoosac Valley Coal and Grain and his opinion that due diligence was not done before it was infested with rats. Mr. Frederick was thanked for applying and being willing to fill a position.

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Applicant *Jacob Levesque* gave his background. He noted he does not have much experience in Zoning but he has looked at the Massachusetts General Laws, the Town bylaws and has knowledge of Roberts Rules of Order. His interest in serving on the ZBA was briefly explained. He stated he had the ability to both be impartial and to do research to make decisions under pressure. He noted an understanding that ZBA Members are responsible for every decision made, and he indicated a willingness to utilize Town Counsel if needed. He was thanked for being willing to serve on the ZBA. The positions and expirations of terms of the ZBA Members were briefly reviewed. It was noted that Town employees must follow the social media policy and a determination will be made whether boards and committees must also comply.

Facility Use Request – The *Adams Aces* requested use of Renfrew field. Motion made by Member Blanchard to approve the use of Renfrew field by the Adams Aces from March 1, 2018 to August 24, 2018 on Sundays from 8:30 a.m. to 2:00 p.m. and Wednesdays 5:45 p.m. to 8:00 p.m., second by Member Nowak. Vote: unanimous.

Facility Use Request – *Adams Lassie League* requested use of use of Russell field. Motion made by Member Hoyt to approve the use of Russell field from March 1, 2018 to September 1, 2018 from 8:00 a.m. to 8:30 p.m., second by Member Blanchard. Vote: unanimous.

Facility Use Request – The *ACS Girls' Softball League* requested use of Reid Field. Motion made by Member Hoyt to approve the use of Reid Field by the ACS Girls Softball League from late March or early April through September 1, 2018 on weekday afternoons and evenings and weekend mornings and afternoons, second by Member Blanchard. Vote: unanimous.

Special Town Meeting Warrant; Closing of the Warrant: The articles were reviewed individually.

Article 1 establishes various revolving funds which were read aloud to include a Bid Specification Revolving Fund, a Sanitary Sewer Revolving Fund, a Promotional Revolving Fund, a Library Revolving Fund, a Transfer Station Revolving Fund, an Inspection Services Revolving Fund, and a Tax Title Revolving Fund. Motion made by Member Nowak to approve Article 1, second by Member Blanchard. Vote unanimous.

Article 2 authorizes the revolving funds and establishes limitations on expenditures. Limits were reviewed and discussed. It was explained that if there are more funds than expenditures it goes into the General Fund. Town Clerk Meczywor assured that the Town Accountant verified the numbers were accurate for where they need to be and the maximum limit is enough to cover what would be expended. Motion made by Member Hoyt to add Article 2 to the Special Town Meeting Warrant, second by Member Blanchard. Vote: unanimous.

Article 3 is a bylaw amendment to amend §62 of the Town of Adams Code to remove strikeouts and include bolded type to follow the Municipal Modernization Act and allows prohibition of pursuing a license or permit in town if taxes are owed. The reason for the Municipal Modernization Act was discussed as allowing municipalities greater things to act on and expanded powers. It was noted that the Treasurer/Collector was aware of it and this is an effort to align the Town bylaw with the new legislature. Motion made by Member Blanchard to approve the addition of Article 3 to the Special Town Meeting Warrant, second by Member Hoyt. Vote: unanimous.

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Article 4 addresses snow and ice removal and makes it town-wide to have removal from sidewalks from all streets. Motion made by Member Blanchard to approve the inclusion of Article 4 in the Special Town Meeting Warrant, second by Member Hoyt. Vote: unanimous

Article 5 creates a new section to address the zoning of *Licensed Marijuana Establishments*. It was explained that the Planning Board had a number of public meetings to craft a bylaw and formal public hearing in December and this is the result. Interest has been expressed by marijuana businesses looking to locate in Adams, and this is the first step in providing clarification for where those businesses could locate in town. Motion made by Member Blanchard to approve the addition of Article 5 to the Special Town Meeting Warrant, second by Member Hoyt. Abstention by Chairman Duval due to government clearance for employment. Voted in favor were Vice Chairman Blanchard, Member Hoyt and Member Nowak. Motion carried.

Article 6 is to see if the town will vote to allow receipts from parking meters and other devices for purchase or lease and care of parking lots, commuter shuttles, and public transportation or take any other action. The article that addresses speed limits by law requires the creation of a parking fund. Discussion took place about previously appropriated money for a parking meter attendant and whether the funds would also provide for this position. The end of the fiscal year ends the ability to use the previously allocated funds. Motion made by Member Blanchard to approve the inclusion of Article 6 in the Special Town Meeting Warrant, second by Member Hoyt. Vote: unanimous.

Article 7 will establish a speed limit of 25 mph in thickly settled or business districts in town. The process of establishing a speed limit using the Traffic Commission to identify areas for this speed limit was outlined. Town Counsel St. John III noted that similar wording was used in other laws and an inclusion to aid with interpretation to identify what thickly settled and density of neighborhoods are was advised should it go into a bylaw. Motion made by Member Nowak to approve the inclusion of Article 7 in the Special Town Meeting Warrant, Second by Member Blanchard. Vote: unanimous.

Article 8 would grant an easement to Ronald J. Chenail for a force sewer main and accessory sewer lines on Gould Road. It was noted that the majority of the work will be done on Gould land and Glen land and will not impact any homeowners. Motion made by Member Blanchard to approve the inclusion of Article 8 in the Special Town Meeting Warrant, second by Member Hoyt. Vote unanimous.

Article 9 is in place to transact any other business as needed. Consensus by Board Members was reached to accept the inclusion of Article 9 in the Special Town Meeting Warrant. Motion made by Member Hoyt to close the Warrant for the March 5th Special Town Meeting, second by Member Blanchard. Vote: unanimous.

Annual Town Election: Town Clerk Meczywor reviewed the 2018 Town Election Calendar. Nomination papers are available in the Town Clerk's Office and must be filed by 5:00 p.m. on Monday, March 19, 2018. Incumbents were urged to sign postcards and return them. Town Meeting Member positions are open and Precincts 1, 2, 3 and 4 have openings. Many of the positions are a one year term which can be tried out without a long commitment. For more information, see the Town Clerk or the Town website. The election will be held on May 7th from 7:00 a.m. to 7:00 p.m. at the DPW garage. It was noted that the goal of the Susan B. Anthony Suffrage Committee is to fill all the spots. There will be a State Primary and Election in the fall. Town Meeting Member responsibilities were briefly explained.

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Animal Control Officer Designations: Kim Witek and Daniel Lefebvre were designated as the Town of Adams Animal Control Officers for 2018. Motion made by Member Nowak to approve the 2018 Animal Control Officers Witek and Lefebvre, second by Member Blanchard. Vote: unanimous.

Facility Use Request: The Steel Rail Half Marathon requested use of the Visitors Center for their annual event. The race is from the Berkshire Mall to the Visitors Center in Adams. Motion made by Member Blanchard to approve the use of the Visitors Center by Berkshire Running Center on May 20, 2018 from 8:00 a.m. to 4:00 p.m. for an 8K run, second by Member Hoyt. Vote: unanimous.

Facility Use Request: the St. Stanislaus Kostka School requested the use of the Town roads for a 5K run and one mile walk. The route was reviewed. Motion made by Member Nowak to approve the use of Town roads for St. Stanislaus Kostka School on May 5, 2018 from 8:30 a.m. to 11:30 a.m. for a fundraiser, second by Member Hoyt. Vote: unanimous.

Facility Use Request: BFAIR requested use of the Visitors Center on Saturday June 23, 2018 from 8:00 a.m. to 3:00 p.m. for their *Annual Walk for Independence*. Motion made by Member Nowak to approve use of the Visitors Center by BFAIR on June 23, 2018 from 8:00 a.m. to 3:00 p.m., second by Member Hoyt. Vote: unanimous.

Discussion on Recycling Center: The Recycling Center on a prior Saturday was closed at 10:00 a.m. because the bin was overflowing. The company was contacted and indicated the issue was dealt with and they will work with the Town to assure the bins are picked up in a timely fashion. It was noted that the Town will do everything possible to keep the Recycling Center open for the hours designated. Contact was made with the hauler to make sure this doesn't happen again and the Town is looking at possibly locating an emergency bin. It was noted that this is a two-person operation, and there was a single attendant handling it. The Recycling Center needs additional signage, and to develop a strong set of operating procedures and training. The Town Assessor was asked if a senior may be willing to operate in this capacity. Requests were received to add an additional day and the Town will make a success of the days currently in operation first before adding an additional day. A Sub-committee will work together with Interim Town Administrator Cesan on this. Close work is being done with Linda Cernik as well. The *Ad Hoc Committee on Solid Waste* will be reviewing this over the next couple weeks. Board Members were asked to step forward to work on this by next meeting.

Town Charter Discussion on the Town Administrator Residency Requirement: It was noted that when the final three candidates are interviewed and in the negotiations phase, if they are living in a surrounding local community there may be a possibility of waiving the requirement. It was noted that a change of the Town Charter would need to go before Town Meeting for approval. One interpretation is that the Board of Selectmen may make the decision. *Town Counsel St. John III* advised the wording states the "candidate shall become a resident within a year unless the Board of Selectmen provides otherwise". The Charter does not have to be changed if the parameters can work within that and be consistent within the provisions of the Charter. Members noted that it appears the Board of Selectmen can waive the residency requirement and that it should be done before candidates come forward. A request was made for this topic to be on another meeting agenda to discuss it further and come to a formal decision. It was noted that it will be on the next meeting for discussion and decision.

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Town Administrator Search Committee: The Personnel Sub-committee met and looked at costs associated with the search. A recommendation of subcommittee was that the Town not hire a consultant and that search be conducted internally. A recommendation was made that it would be staffed by one Board of Selectmen, not as a voting member but instead to provide an administrative function such as taking notes, guiding and coordinating meetings. The cost is estimated at approximately \$2,700. The Personnel Sub-committee received a list of five interested residents of Adams that have volunteered to serve on the Search Committee. The Search Committee candidates were identified as Theresa Daignault, P.J. Goyette, Jeff Grandchamp, George Haddad, and Leah Thompson. Motion made by Member Blanchard to approve the Search Committee Members as provided, second by Member Nowak. Vote: unanimous. The subcommittee was thanked for putting the Search Committee together, and a request was made for Interim Town Administrator Cesan to be part of the Committee also in a non-voting role.

Town Administrator Report: – Thursday, January 18, 2018 was the bid due date for 50 Commercial Street, and seven contractors issued bids. The lowest responsive and responsible bidder is American Environmental, Inc. with a base bid of \$66,186. The Town's estimate was \$60,000, and \$15,000 remains in the Slums and Blight account so the Town is able to award the contract. The Town Administrator position has been posted in the Berkshire Eagle Sunday and Wednesday, on the Massachusetts Municipal Association website, the International City Managers Association, and other online venues. The DPW Director position has also been posted in the Berkshire Eagle, the MMA and other online venues as Dave Nuwallie anticipates retirement. Members inquired about Green Communities and it was noted that it appears all paperwork required to submit for reimbursements is in order and will be confirmed. The owner of 50 Commercial Street will have a lien on the property, and the cost of the demolition would be put on the lien. Back taxes are owed on the property. The property is identified as contaminated and the current owner worked with the Town on the Brownfields program to identify the contamination. Town Counsel St. John III noted that a change of use would require the Building Commissioner, Zoning, and Sanitary Code which could be an issue if taxes are owed, as to whether or not business can be conducted if the owner cannot get a permit. If the property is leased it would be the same situation.

Town Counsel Report: No formal report was issued.

Subcommittee/Liaison Reports: The Personnel Sub-committee held a meeting. *Member Hoyt* attended the Regional Amendment Committee which reviewed several sections of the agreement. Hopefully a draft of the agreement with proposed changes will be available. The committee is a recommending body and has to come before the Board of Selectmen for approval of any changes. The agreement is being submitted to DESE for possible changes. *Member Hoyt* commended Interim Town Administrator Cesan for her work in the presentation at the Community Development Strategy meeting, where priority projects were discussed. *Member Nowak* attended the Parks Commission meeting and expressed satisfaction that the two girls' softball leagues worked together. There was talk about refurbishing Russell Street Field. There will be a committee set up to oversee the project. He attended the Cemetery Commission meeting where the main topic was the building. Quotes were solicited from an engineering firm regarding work on building. He attended the Susan B. Anthony meeting and hard work is being done to get a statue of Susan B. Anthony. *Chairman Duval* advised that the Berkshire Regional Planning Commission (BRPC) will conduct interviews in February to replace the Director and a decision will be forthcoming thereafter. The BRPC Executive Committee meeting will be held tomorrow.

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Announcements and Good of the Order: *Member Hoyt* noted there will be a Community Conversation meeting held on February 12th from 2:00 p.m. to 4:00 p.m. on a nationally recognized village model. *Member Nowak* acknowledged the pedestrian crossing flashing light installation at Burke and Columbia Streets.

Executive Sessions: All Executive Session reasons noted were read aloud.

#2.) To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. This refers to release of the minutes.

#3.) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. This refers to the litigation matters.

#6.) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

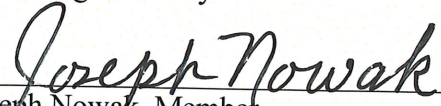
#8.) To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening.

At 9:23 p.m. a Motion was made by Member Blanchard to enter into Executive Session for reason #2, as read aloud, second by Member Hoyt. Roll Call vote: Chairman Duval, Vice Chairman Blanchard, Member Hoyt, Member Nowak. Motion made by Member Blanchard to enter into Executive Session for reason #3, second by Member Hoyt. Roll Call Vote: Chairman Duval, Vice Chairman Blanchard, Member Hoyt, Member Nowak. Motion made by Member Blanchard to enter into Executive Session for reason #6, second by Member Hoyt. Roll Call Vote: Chairman Duval, Vice Chairman Blanchard, Member Hoyt, Member Nowak. Motion made by Member Blanchard to enter into Executive Session for Reason #8, second by Member Hoyt. Roll Call Vote: Chairman Duval, Vice Chairman Blanchard, Member Hoyt, Member Nowak. It was noted that the Board will not conduct any other business after coming out of session.

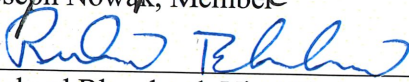
A Brief Recess took place before the commencement of the Executive Sessions.

ADJOURNMENT: Motion made by Member Blanchard to adjourn the meeting, second by Member Hoyt, Vote: Unanimous. Meeting adjourned at 10:11 p.m.

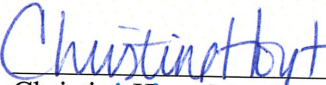
Respectfully Submitted by Deborah J. Dunlap,
Recording Secretary



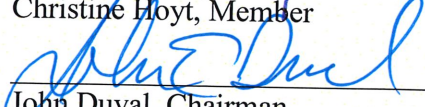
Joseph Nowak, Member



Richard Blanchard, Vice Chairman



Christine Hoyt, Member



John Duval, Chairman